

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Michael J. Monaco
Darlene A. Monaco
Debtor(s)**

Bankruptcy Case No.: 19-21110-TPA
Per October 3, 2019 proceeding
Chapter: 13
Docket No.: 52 - 8, 37
Concl. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated March 20, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1919.00 as of October 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on at , in .* If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: IRS (Claim 3) New Rez (Claim 18) as LTCD in part 3.1 of plan .
- H. Additional Terms: South Park SD & Twp EIT (Claim No. 11) governs.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

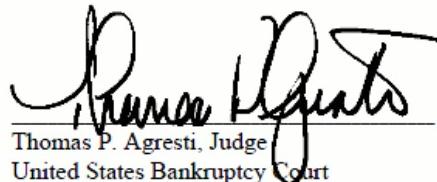
C. Review of Claims Docket and Objections to Claims. Pursuant to *W.P.A.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) **IT IS FURTHER ORDERED THAT:**

- A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.
- B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).
- C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.
- D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.
- E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.
- F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: October 9, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
United States Bankruptcy Court
Western District of Pennsylvania

In re:
Michael J. Monaco
Darlene A. Monaco
Debtors

Case No. 19-21110-TPA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: lmar
Form ID: 149

Page 1 of 2
Total Noticed: 38

Date Rcvd: Oct 09, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 11, 2019.

db/jdb +Michael J. Monaco, Darlene A. Monaco, 1604 Cordwell Dr., South Park, PA 15129-9029
cr +Township of South Park/South Park School District, Goehring, Rutter & Boehm,
437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219,
UNITED STATES 15219-6101
15015902 +American Express, PO Box 981537, El Paso, TX 79998-1537
15045780 American Express National Bank, c/o Becket and Lee LLP, PO Box 3001,
Malvern PA 19355-0701
15055100 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
15038682 +Chase Bank USA, N.A., c/o Robertson, Anschutz & Schneid, P.L.,
6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
15015904 +Chase Card, PO Box 15298, Wilmington, DE 19850-5298
15015908 +DSNB/Macy's, PO Box 8218, Mason, OH 45040-8218
15060070 NewRez LLC d/b/a Shellpoint Mortgage Servicing, PO Box 10826, Greenville, SC 29603-0826
15015913 +PNC Bank Mortgage Service, PO Box 8703, Dayton, OH 45401-8703
15060384 +PNC Bank, N.A., P.O. Box 94982, Cleveland, OH 44101-4982
15031067 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Avenue,
Pittsburgh, PA 15233-1828
15015915 +Shellpoint, 55 Beattie Pl., Suite 500, Greenville, SC 29601-5116
15048675 +Township of South Park/South Park School District, Goehring, Rutter & Boehm,
c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building,
Pittsburgh, PA 15219-6101
15048456 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
15048455 UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123
15057981 +Unifund CCR, 10625 Techwoods Circle, Cincinnati, OH 45242-2846

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 10 2019 03:14:59
PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15015903 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 10 2019 03:28:25 Capital One,
PO Box 30281, Salt Lake City, UT 84130-0281
15015905 +E-mail/PDF: creditonebknotifications@resurgent.com Oct 10 2019 03:15:02 Credit One,
PO Box 98872, Las Vegas, NV 89193-8872
15060164 E-mail/Text: bnc-quantum@quantum3group.com Oct 10 2019 03:17:52
Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657,
Kirkland, WA 98083-0657
15015906 +E-mail/Text: electronicbkydocs@nelnet.net Oct 10 2019 03:18:38 Dept of Ed / NELNET,
3015 Parker Rd., Suite 400, Aurora, CO 80014-2904
15015907 +E-mail/PDF: pa_dc_ed@navient.com Oct 10 2019 03:15:01 Dept of Ed/Navient,
123 Justison St., 3rd Floor, Wilmington, DE 19801-5360
15015909 +E-mail/Text: bankruptcy@huntington.com Oct 10 2019 03:18:26 Huntington National Bank,
PO Box 1558, Dept EAW25, Columbus, OH 43216-1558
15015910 E-mail/Text: cio.bnccmail@irs.gov Oct 10 2019 03:17:43 IRS- Centralized Insolvency Operation,
PO Box 7346, Philadelphia, PA 19101-7346
15015911 +E-mail/Text: bncnotices@becket-lee.com Oct 10 2019 03:17:37 Kohl's Dept. Store,
PO Box 3115, Milwaukee, WI 53201-3115
15017798 E-mail/PDF: resurgentbknotifications@resurgent.com Oct 10 2019 03:15:07 LVNV Funding, LLC,
Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15015912 +E-mail/PDF: resurgentbknotifications@resurgent.com Oct 10 2019 03:15:05 LVNV, LLC,
PO Box 1269, Greenville, SC 29602-1269
15049490 E-mail/PDF: pa_dc_claims@navient.com Oct 10 2019 03:15:34
Navient Solutions, LLC. on behalf of, Department of Education Loan Services, PO BOX 9635,
Wilkes-Barre, PA 18773-9635
15015914 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 10 2019 03:29:38
Portfolio Recovery, 120 Corporate Blvd., Suite 100, Norfolk, VA 23502
15059146 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 10 2019 03:15:33
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
15025677 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Oct 10 2019 03:18:16
Pennsylvania Department of Revenue, Bankruptcy Division P O Box 280946,
Harrisburg PA 17128-0946
15015916 +E-mail/PDF: gecscedi@recoverycorp.com Oct 10 2019 03:14:56 SYNCB/Amazon PLCC,
PO Box 965015, Orlando, FL 32896-5015
15056451 +E-mail/Text: bncmail@w-legal.com Oct 10 2019 03:18:42 SYNCHRONY BANK,
c/o Weinstein & Riley, PS, 2001 Western Ave., Ste 400, Seattle, WA 98121-3132
15016261 +E-mail/PDF: gecscedi@recoverycorp.com Oct 10 2019 03:14:56 Synchrony Bank,
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15031781 +E-mail/Text: bankruptcy@huntington.com Oct 10 2019 03:18:26 The Huntington National Bank,
PO Box 89424, Cleveland, OH 44101-6424
15031567 +E-mail/Text: electronicbkydocs@nelnet.net Oct 10 2019 03:18:38 U.S. Department of Education,
C/O Nelnet, 121 South 13th Street, Suite 201, Lincoln, NE 68508-1911
15054667 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Oct 10 2019 10:37:27 Verizon,
by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457

TOTAL: 21

District/off: 0315-2

User: lmar
Form ID: 149

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Date Rcvd: Oct 09, 2019

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr PA Dept of Revenue
cr PNC BANK NATIONAL ASSOCIATION
cr* +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
Pittsburgh, PA 15233-1828

TOTALS: 2, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 11, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 9, 2019 at the address(es) listed below:

Douglas G. Hipp on behalf of Debtor Michael J. Monaco twohipp4u@hotmail.com
Douglas G. Hipp on behalf of Joint Debtor Darlene A. Monaco twohipp4u@hotmail.com
James Warmbrodt on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bkgroup@kmlawgroup.com
Jeffrey R. Hunt on behalf of Creditor Township of South Park/South Park School District
jhunt@grblaw.com, cnoroski@grblaw.com
Jim Peavler on behalf of Creditor PA Dept of Revenue RA-occbankruptcy1@state.pa.us,
RA-occbankruptcy6@state.pa.us
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winneccour cmeecf@chapter13trusteewdpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com;srk@sjwpgh.com

TOTAL: 8